

**MINUTES OF THE HARDYSTON TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING
HELD NOVEMBER 1, 2001**

STATEMENT OF COMPLIANCE: Pursuant to the Open Public Meetings Act, Chapter 23 1, P.L. 1975, adequate notice as defined in Section 3D of Chapter 231 P.L. 1975 has been made to the New Jersey Herald and is also posted on the Bulletin Board at the Hardyston Township Municipal Building.

ROLL CALL:

Carl Miller	Present
William Walsh	Present
Santo Verrilli	Present
Gerald Laughlin	Present
David Toye	Present (Late 7:40 p.m.)
Gary Bargiel	Present (Late 7:35 p.m.)
Candace Leatham	Present
Mary Ann Murphy	Present
Ann Kievit	Excused

APPROVAL OF MINUTES: A motion to approve the minutes of the September 6, 2001, meeting was made by Santo Verrilli and seconded by Gerald Laughlin. All were in favor. The motion carried.

APPLICATIONS:

ZB-10-1-01, Stockholm United Methodist Church, Block 37, Lot 4, Preliminary and Final Site Plan, Variances: The matter was carried at the request of the Applicant to the December 6, 2001, meeting.

ZB-11-01-1, SBA Inc., Block 62, Lot 5, Amended Preliminary and Preliminary Site Plan (amend approved site plan) and "D" Variance: Gary Pryor, Esq., appeared on behalf of the Applicant. Raymond L. Kim, P.E., Paul Perdek, P.E., and Peter Dorram, P.P., were sworn and accepted as witnesses. Mr. Kim presented Exhibit A-1, an area map showing the proposed site location at the intersection of Route 94 and North Church Road (the North Church Cemetery) and areas of wireless coverage. Mr. Kim stated that the goal of the design is to extend coverage in the Sussex County area. He stated that this will be achieved by the installation of four antennae (site capacity totals six antennae) at the proposed site in conjunction with sites pending approval in Franklin Borough and Vernon Township, as well as existing sites in Sparta Township, Hamburg Borough, and Layfayette Township. Mr. Kim presented Exhibit A-2, a topographical map of the area surrounding the subject site. Exhibit A-3 was introduced to illustrate the areas where wireless coverage is not available. Exhibit A-4 was introduced to demonstrate the effect of the approval of the subject application on available wireless coverage. It was noted that if the site is approved, there will be solid coverage along Route 94 and coverage on Route 23 N to Sussex Borough will be enhanced.

Mr. Kim stated that the policy of Horizon Wireless is to co-locate on existing towers because it is less costly, faster, and easier to accomplish. He stated that this tower was chosen because the site conforms with FCC standards. Mr. Kim presented Exhibit A-5, calculations demonstrating the design's compliance with FCC standards. Mr. Kim explained that the FCC assigns different frequency blocks to companies. This prevents interference with other communications networks.

The meeting was opened to the public for questions or comments specific to the testimony of Mr. Kim. There were no participants. The meeting was closed to the public.

Mr. Perdick, P.E., presented Exhibit A-6, a colored rendition of sheet 1 of the plan dated October 30, 2001, submitted to the Board. The exhibit illustrated the 125' monopole and the site of the proposed antennae at 110'. Mr. Perdick stated that the proposed antennae will be the same as existing antennae at the site and connecting cable will run through the center of the monopole. The operating equipment will be placed behind an existing building in a fenced compound that will be unmanned. Mr. Perdick stated that there is sufficient vehicular access to the site. The back-up power source consists of battery units stored in cabinets at the base of the monopole. Mr. Kim noted that the battery packs can sustain coverage for four hours in the event of a black-out or emergency.

The meeting was open to the public specific to the testimony given by Mr. Perdick. There were no participants. The meeting was closed to the public.

Mr. Doorham, P.P., presented Exhibit A-7, a photo-board which provided Board members with photographs of the site and close-ups of the monopole. Mr. Doorham stated the mitigating factors for the proposal are as follows: the site is surrounded by a cemetery, the Applicant will use the access road to the cemetery, the existing pole sits on a high bank and is surrounded by pine trees, and the site will enhance wireless communications and the 911 network in the area. Mr. Doorham stated the site will not cause a significant increase in traffic or any other nuisance. Mr. Doorham assured Board members that the site on the monopole will have enough foliage to maintain the tree-like appearance. With reference to the use variance, Mr. Doorham referenced the ordinance and stated that the Township encourages the joint use of new and existing cell towers. He stated that the plan conforms with the Township's zoning plan. He stated that the cell tower is an inherently beneficial use and will benefit the public good. He cited the reports of cell phone dependency during the September 11, 2001, attack on the World Trade Center. With reference to the detrimental effects of the site, Mr. Doorham stated that these effects are *de minimus*.

The meeting was open to the public to address questions to this witness. There were no participants. The meeting was closed to the public.

The engineering report prepared by Michael G. Vreeland, P.E., was reviewed. The Applicant agreed to provide the Board with a survey of the entire tract and to coordinate with Mr. Vreeland to refine the landscaping plan. Mr. Vreeland requested the opportunity to thoroughly review the radio frequency emission report. Further, the Applicant agreed to modify the site address to indicate that the subject property is located within the Township of Hardyston and to provide a detail of the equipment platform. The Applicant acknowledged that as-built plans must be submitted prior to the release of a certification of occupancy for this project.

The meeting was open to the public for any questions related to this application. There were no participants. The meeting was closed to the public.

A motion to grant a "D" Variance for the expansion of a non-conforming use and to conditionally approve the Preliminary and Final Site Plan was made by Gerald Laughlin and seconded by Gary Bargiel. All were in favor. The motion carried. Specific conditions of approval are as follows: the Applicant is responsible for the removal of their equipment should the facility be vacated; the Applicant will comply with FCC requirements and take action to correct any interference problems created by the facility; the Applicant will enclose the base equipment with a chain-link fence with plastic slats; the Applicant will comply with the Township Engineer's landscaping directives, the Applicant will pay all escrow fees, the Applicant will provide information concerning a fuel pump and other associated amenities located in the vicinity of the exiting garage on the plans, and the Applicant will provide an as-built plan, and the Applicant will provide appropriate zone information on the plans.

BILLS: A motion to recommend payment of the bills was made by William Walsh and seconded by Gary Bargiel. All were in favor. The motion carried. The bills approved for payment are as follows:

Guerin Engineering, Inc.	Oehrlich, ZB-11-00-1	\$ 255.00
Guerin Engineering, Inc.	Omnipoint, ZB-12-00-1, Victoria's	\$ 425.00
Guerin Engineering, Inc.	Stockholm United Methodist Church, ZB-10-01-1	\$ 340.00
Guerin Engineering, Inc.	SBA Towers, PB-4-01-1	\$ 340.00
Guerin Engineering, Inc.	Pet Spa & Resort, ZB-4-01-1	\$ 637.50
Guerin Engineering, Inc.	Zoning Board OE	\$ 255.00
Guerin Engineering, Inc.	Omnipoint, ZB-12-00-2	\$ 382.50
Guerin Engineering, Inc.	Homa, James, ZB-4-01-2	\$ 340.00

PUBLIC PARTICIPATION: The meeting was opened to the public. There were no participants. The meeting was closed to the public.

DISCUSSION:

ZB-8-94-2, Pilz, Anton, Extension Request for Preliminary Major Subdivision Approval:

David J. Gherlone, Jr., Esq., and Anton Pilz presented the request stating that the soil removal process is ongoing and the economic incentive to expedite same has been minimal due to a lack of tenants or prospective tenants. It was noted that one lot had been sold without sewer allocation. The owner of this lot, Mr. Mark Scheider, and his attorney, Matt Wronko, requested that the Board review the approval and consider that the purchased lot should have sewer allocation. Mr. Gherlone proposed that this was a private matter between the property owner and Mr. Pilz and that sewer allocation was available for sale. Board members informed Mr. Gherlone that they would like a presentation concerning the history of the approval and all relevant facts of the matter prior to making a decision. It was noted by Chairman Miller, who sat on the Board at the time of the original approval, that the Board's intent was to have all the industrial lots sewered. He stated that many Board members were not present at the original hearing. Mr. Gherlone requested that the matter be carried to the meeting of December 6, 2001, at which time the Applicant will present a history of the Application, to include information concerning the soil removal project, and a more comprehensive review of the matter. The extension request was granted. It was noted that the approval was extended to December 6, 2001.

The discussion was opened to the public. Ms. Patricia Prince, owner of neighboring property, inquired as to the extent of the excavation site. Mr. Pilz informed her that the excavation site does not touch her property.

Land Use Administrator's Update: Marianne Smith, Planning/Community Development Director, presented that Ominpoint has been advised to remove the flag pole as soon as possible. Zoning enforcement efforts in the matter of Sussex National Development were reviewed. It was noted that a \$5,032 fine was paid on 9/7/2001. Ms. Smith informed the Board of a new policy that states building permits will not be issued until the zoning official reviews the matter and a Notice to Proceed is given by Guerin Engineering, Inc.

ADJOURNMENT: Having no further business, the meeting was adjourned.

Minutes prepared by:

Anne-Marie Wilhelm

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